

**FILED**

OCT 27 2009

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

  
CLERK

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UNITED STATES OF AMERICA

CR

09-50020

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Plaintiff,

vs.

**PRELIMINARY ORDER  
OF FORFEITURE**

DORIAN NEW HOLY

Defendant.

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Upon the motion of the Plaintiff for a Preliminary Order of Forfeiture, the Court finds:

1. The defendant has consented to the forfeiture of his interest in the following property:

Jennings, Model Jennings Nine, 9mm caliber pistol, serial # 1394681.

2. The subject property was used or intended to be used to commit the offense described in the Indictment for which the defendant has pled guilty.

Now therefore, it is hereby

ORDERED

1. Upon the entry of this Order, and pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty and Maritime Cases, the United States shall post to [www.forfeiture.gov](http://www.forfeiture.gov), for a period of 30 consecutive days, notice of this Order, notice of the United States' intent to dispose of the property according to law, and notice that any other person, other than the defendant, having or claiming a legal interest in any of the above-listed forfeited property must file a petition with this Court within thirty days of the final publication of notice, or

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receipt of actual notice whichever is earlier.

2. Further, the notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, and any additional facts supporting the petitioner's claim and the relief sought.

3. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is identified, above, as a substitute for published notice as to those persons so notified.

4. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture.

Dated: October 27, 2009

BY THE COURT:

Karen E. Schreier  
HON. KAREN E. SCHREIER  
Chief Judge